

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

AMELINDO CUEVAS GERALDO,)	
)	
Plaintiff,)	
)	CIVIL NO. 2007-0035
v.)	
)	
DEPARTMENT OF HOMELAND)	
SECURITY, U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES, AND)	
MARIA ARAN, DISTRICT DIRECTOR)	
OF U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES PUERTO)	
RICO, U.S. IMMIGRATION CUSTOMS)	
ENFORCEMENT ST. CROIX DISTRICT,)	
ATTORNEY GENERAL, ALBERTO)	
GONZALEZ)	
)	
Defendants.)	
_____)	

ORDER

FINCH, J.

THIS MATTER comes before the Court on a Motion to Dismiss for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(1) or, in the alternative, for Summary Judgment pursuant to Fed. R. Civ. P. 56 filed by Defendants.

In her prayer for relief, Plaintiff requested mandamus to compel the Department of Homeland Security, United States Office of Citizenship and Immigration Services (CIS) to schedule an interview for the adjudication of her I-751 Petition to Remove the Condition on Residence. Compl. ¶ 12. On April 17, 2007, CIS sent notice to Plaintiff, through his counsel of record, of an interview scheduled for May 10, 2007. Gov't Ex. A. On June 12, 2007, CIS granted Plaintiff official permanent resident status. Gov't Ex. B, ¶ 6.

After careful consideration and being fully advised in the premises, the Court finds that this Court lacks subject matter jurisdiction of this matter. CIS has already granted the relief Plaintiff requested in the Complaint and Plaintiff has not obtained permanent residency. Since CIS has done this without any action by this Court, there is nothing for this Court to determine or to compel CIS to do by way of mandamus. Defendant CIS's voluntary actions renders the relief requested in Plaintiff's complaint moot. Because there is no case or controversy before the Court, it is hereby

ORDERED that Defendant's Motion to Dismiss for lack of subject matter jurisdiction is **GRANTED**. It is further

ORDERED that Defendant's Motion to Deem Conceded Defendant's Motion to Dismiss is **DISMISSED**.

ENTERED this 30th day of May, 2008.

/s/
HONORABLE RAYMOND L. FINCH
U.S. DISTRICT JUDGE